

REMARKS

I. Status of the Application

Claims 1-12 were originally filed in the present application.

In the Final Office Action mailed December 23, 2005, the Examiner allowed claim 12 and rejected claims 1-8.

Applicants herein amend claims 1-3 and cancel claims 6-8 in order to further their business interests, yet without acquiescing to the Examiner's arguments. Applicants reserve the right to prosecute the original or similar claims in the future. Support for these amendments may be found throughout the specification, for example, at page 2, lines 19-30, at page 3, lines 1-5, and at page 80, lines 16-21, among other places. Applicants also herein amend allowed claim 12 in order to remove redundancy in the claim.

As such, claims 1-5 and 12 are pending in the application.

II. The Amended Claims are Definite and Supported by an Adequate Written Description

The Examiner made several rejections under 35 U.S.C. § 112. Applicants address each rejection in the order presented.

a) Amended Claims 1-5 Are Supported by an Adequate Written Description

The Examiner rejected claims 1-5 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.¹ Applicants respectfully disagree.

Nonetheless, in order to further their business interests and without acquiescing to the Examiner's arguments, Applicants have amended claim 1, and claims dependent thereon, to recite "mutant *C. elegans* altered in an OSR-1 gene to reduce sensitivity to osmotic desiccation stress compared to *C. elegans* not altered in said OSR-1 gene, wherein said mutant *C. elegans* comprise a knock-out OSR-1 mutation." The specification describes such OSR-1 mutants.²

Accordingly, it is respectfully submitted that amended claim 1, and claims dependent thereon, are definite and supported by an adequate written description. Applicants respectfully

¹ Office Action mailed July 28, 2005, page 2; and Final Office Action mailed December 23, 2005.

² See, e.g., Specification at pages 82-83, lines 26-30 and 1-5, respectively, and FIG. 2C.

request that the Examiner withdraw the rejection of claims 1-8 under 35 U.S.C. § 112, first paragraph.

b) Claims 1-5 Particularly Point Out and Distinctly Claim the Subject Matter of the Invention

The Examiner rejected claims 1-8 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicants regard as the invention.³ Applicants submit that amendments to the claims render the Examiner's arguments moot.

Specifically, claim 1 has been amended to recite "mutant *C. elegans* altered in an OSR-1 gene to reduce or increase sensitivity to osmotic desiccation stress compared to *C. elegans* not altered in said OSR-1 gene, wherein said mutant *C. elegans* comprise a knock-out OSR-1 mutation." The specification describes such OSR-1 mutant *C. elegans*.⁴ Accordingly, it is respectfully submitted that claims 1-8 are definite and supported by an adequate written description.

Applicants respectfully request that the rejections under 35 U.S.C. § 112 be withdrawn.

III. The Amended Claims are Not Anticipated

The Examiner rejected Claims 1, 3-6, and 8-10 under 35 U.S.C. § 102(b) as allegedly being anticipated by Piggott et al. (Nematol 2 (5), 561-566 (2000)), Ogg et al. (Nature 389:994-999 (1997)) and O'Leary et al. (Fundam Appl Nematol 20(2):197-205 (1997)).

Applicants respectfully submit that, as amended, the claims are not anticipated by the cited references. Specifically, none of the references teach mutant *C. elegans* altered in an OSR-1 gene.

Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

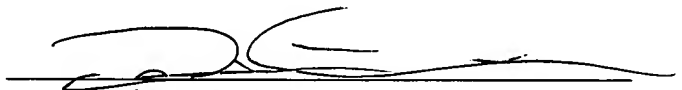
³ Final Office Action mailed December 23, 2005, page 5, lines 12-14.

⁴ See, e.g., Specification at pages 82-83, lines 26-30 and 1-5, respectively, and FIG. 2C.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that Applicants have addressed all grounds for rejection and that Applicants' claims should be passed to allowance. Reconsideration of the application is respectfully requested. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

Dated: February 21, 2006



David A. Casimir
Registration No. 42,395
MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
608/218-6900